

1 DAYLE ELIESON  
United States Attorney  
2 District of Nevada  
KIMBERLY M. FRAYN  
3 Assistant United States Attorney  
501 Las Vegas Blvd. South, Suite 1100  
4 Las Vegas, Nevada 89101  
(702) 388-6546  
FAX: (702) 388-5087  
5 Kimberly.Frayn@usdoj.gov

6 *Representing the United States of America*

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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

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13 UNITED STATES OF AMERICA,

14 Plaintiff,

15  
16 v.

17 JORGE OMAR FERNANDEZ,

18 Defendant.  
19

Case No. 2:17-cr-408-JCM-VCF

**MOTION AND ORDER TO  
DISMISS INDICTMENT  
WITHOUT PREJUDICE**

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21 The United States of America by DAYLE ELIESON, United States Attorney for the District  
22 of Nevada, and Kimberly M. Frayn, Assistant United States Attorney, requests pursuant to Rule  
23 48(a) of the Federal Rules of Criminal Procedure, that the Court enter an order allowing the  
24 government to dismiss without prejudice the charges brought against defendant JORGE OMAR

1 FERNANDEZ contained in the Indictment in case number 2:17-cr-408-JCM-VCF.

2 DATED this 3<sup>rd</sup> day of April, 2018.

3  
4 Respectfully submitted,

5 DAYLE ELIESON  
6 United States Attorney

7 /s/ Kimberly M. Frayn  
8 KIMBERLY M. FRAYN  
9 Assistant United States Attorney

10 CERTIFICATE OF SERVICE

11 I, Kimberly M. Frayn, hereby certify that I am an employee of the United States Attorney's  
12 Office for the District of Nevada and further certify that a copy of the foregoing motion was served  
13 electronically upon counsel for the defendant by the EM/ECF electronic system.

14 /s/ Kimberly M. Frayn  
15 KIMBERLY M. FRAYN  
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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE OMAR FERNANDEZ,

Defendant.

Case No. 2:17-cr-408-JCM-VCF

**ORDER OF DISMISSAL OF THE  
INDICTMENT WITHOUT  
PREJUDICE**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and upon leave of Court, the United States Attorney for the District of Nevada hereby dismisses without prejudice the charges brought against defendant JORGE OMAR FERNANDEZ contained in the Indictment in case number 2:17-cr-408-JCM-VCF.

Respectfully submitted,

DAYLE ELIESON  
United States Attorney

/s/ Kimberly M. Frayn  
KIMBERLY M. FRAYN  
Assistant United States Attorney

Leave of Court is granted for the filing of the foregoing dismissal of the charges brought against defendant JORGE OMAR FERNANDEZ contained in the Indictment in case number 2:17-cr-408-JCM-VCF.

DATED April 11, 2018.

  
UNITED STATES DISTRICT JUDGE